

REMARKS

In view of the following discussion, Applicants submit that none of the claims now pending in the application are anticipated under the provisions of 35 U.S.C. § 102. Independent claims 1, 16 and 42 are amended with support found in Applicants' Specification at least at p. 4 lines 2-14. Various additional amendments are made to address various informalities. Thus, the Applicants believe that all of the claims pending in the application are now in allowable form.

I. REJECTION OF CLAIMS 1-2 AND 4-44 UNDER 35 U.S.C. § 102

The Examiner rejected claims 1-2 and 4-44 as being anticipated under 35 U.S.C. § 102 by Peters, Jr., et al. (U.S. Pat. App. Pub. No. 2008/0107130, published on May 8, 2008, hereinafter "Peters"). Applicants respectfully traverse the rejection.

Peters teaches system and method for processing a plurality of requests for multi-media services received at a call control element (CCE) from a plurality of IP-communication devices. The system includes at least one Network Routing Element (NRE), a Service Broker (SB), a media sever, a plurality of application servers (ASs) and a plurality of border elements, all of which are coupled to the CCE. The CCE is adapted to receive requests for multi-media services and to generate subsequent requests for the multi-media services, which are communicated to the SB for processing. (See Peters, Abstract).

The Examiner's attention is directed to the fact that Peters fails to teach or to suggest a scalable system for providing real time communication services between user devices having a scalable border element (BE) comprising, a BE signaling entity providing BE signaling functions in communication with a CCE, a first BE media entity providing BE media functions in communication with the BE signaling entity and in communication with a first user device for initiating a call, and a second BE media entity providing BE media functions in communication with the BE signaling entity, in communication with the first BE media entity for media transfers and in communication with a second user device acting as a call destination device, as positively claimed by Applicants' independent claim 1.

Applicants' independent claims 16, 19, 25, 31 and 42 recite similar relevant limitations. Specifically, Applicants' independent claims 1, 16, 19, 25, 31 and 42 positively recite:

1. A scalable system for providing real time communication services between user devices, the scalable system comprising:
 - at least one call control element (CCE) providing system call control functions;
 - a scalable border element (BE) providing scalable system interface functions and in communication with said CCE;
 - a first user device for initiating a call and in communication with said scalable BE; and
 - a second user device acting as a call destination device and in communication with said scalable BE, wherein the scalable border element comprises:
 - a BE signaling entity providing BE signaling functions and in communication with said CCE;
 - a first BE media entity providing BE media functions in communication with said BE signaling entity and in communication with said first user device for initiating a call; and
 - a second BE media entity providing BE media functions in communication with said BE signaling entity, in communication with said first BE media entity for media transfers and in communication with a second user device acting as a call destination device. (Emphasis added).
16. A method of connecting a call between user devices comprising:
 - connecting a first user device for initiating a call to a scalable border element (BE), wherein the scalable border element comprises:
 - a BE signaling entity providing BE signaling functions and in communication with said CCE;
 - a first BE media entity providing BE media functions in communication with said BE signaling entity and in communication with said first user device; and
 - a second BE media entity providing BE media functions in communication with said BE signaling entity, in communication with said first BE media entity for media transfers and in communication with a second user device acting as a call destination device;
 - receiving in the BE signaling entity a signaling message from said first user device to setup a call;

communicating the signaling message from the BE signaling entity to a call control element (CCE) that manages the call flow process and determines a path to a destination user device and a second BE media entity associated with said second user device;
opening pinholes for media streams;
connecting the said first BE media entity to the second BE media entity for media transfers;
communicating between the CCE and the second BE media entity to determine if transcoding is required and if it is invoking the appropriate BE media entity to provide the transcoding function;
and
establishing the call connection between said first user device initiating the call and said second user device. (Emphasis added).

19. A border element (BE) signaling entity providing signaling functions to a plurality of connected BE media entities providing media functions and a connected call control element (CCE), the BE signaling entity comprising:

a communication interface to said plurality of connected BE media entities, wherein said plurality of connected BE media entities and said BE signaling entity comprise a decomposed BE configured to act as a single integrated functional entity; and
a communication interface to said CCE. (Emphasis added).

25. A border element (BE) media entity providing media functions to a connected user device and a connected BE signaling entity providing signaling functions, the BE media entity comprising:

a communication interface to said BE signaling entity;
a communication interface to at least one other BE media entity that is connected to a different user device, wherein said BE media entity, said BE signaling entity and said at least one other BE media entity comprise a decomposed BE configured to act as a single integrated functional entity; and
a communication interface to said connected user device.
(Emphasis added).

31. A decomposed border element (BE) providing interface functions for a scalable system at the interface boundary between the scalable system and network connected user devices external to the scalable system, the decomposed BE comprising:

a BE signaling entity providing BE signaling functions and in communication with call control functions of the scalable system;
and
a BE media entity providing BE media functions in communication with said BE signaling entity, in communication with

a different BE media entity for media transfers and in communication with at least one user device. (Emphasis added).

42. A computer-readable medium encoded with computer executable instructions that when executed cause a computer system to perform call connection services between user devices using a decomposed border element (BE), made up of at least one BE signaling entity and a plurality of BE media entities, between the user devices and the computer system, by performing steps of:

- connecting a user device for initiating a call to a first BE media entity and to a BE signaling entity;
- receiving in the BE signaling entity a signaling message from a user device to setup a call;

- communicating the signaling message from the BE signaling entity to a call control element (CCE) that manages the call flow process and determines a path to a destination user device and a second BE media entity associated with the destination user device;

- opening pinholes for media streams;
- connecting the said first BE media entity to the second BE media entity for media transfers;

- communicating between the CCE and the second BE media entity to determine if transcoding is required and if it is invoking the appropriate BE media entity to provide the transcoding function;
- and

- establishing a call connection between the user device initiating the call and the destination user device. (Emphasis added).

In one embodiment, Applicants teach a scalable or decomposed border element (BE) where signaling and media related processing may be separated into multiple physical entities which together act as a single logical BE. (See e.g., Applicants' Specification, p. 11 lines 6-17). In one embodiment, a single decomposed BE signaling entity controls multiple BE media entities advantageously providing scalability and cost efficiency as required. (See e.g., Applicants' Specification, p. 15 line 16 – p. 16 line 22).

Peters does not anticipate the Applicants' independent claim 1 because Peters does not appear to teach or suggest a scalable border element (BE) comprising, a BE signaling entity providing BE signaling functions in communication with a CCE, a first BE media entity providing BE media functions in communication with the BE signaling entity and in communication with a first

user device for initiating a call, and a second BE media entity providing BE media functions in communication with the BE signaling entity, in communication with the first BE media entity for media transfers and in communication with a second user device acting as a call destination device. Rather, it only appears that Peters teaches a system the uses multiple standard integrated border elements. (See Peters Fig. 2, Border Elements 26a-26d).

Applicants note that in the Response to Arguments section of the Office Action, the Examiner seems to allege that the multiple border elements in Peters Fig. 2 are equivalent to such features. (See Office Action p. 12). However, Applicants note that the Examiner refers generally to Peters' Figure 2, without pointing to any specific teachings in the Peters Specification. Thus, Applicants respectfully submit that the alleged teachings of Peters are not actually supported by the scope of the disclosure. In other words, the interpretation of Peters Fig. 2 is simply too broad.

In addition, Applicants have amended independent claim 1 (as well as independent claims 16 and 42) to clarify that it is a single border element that provides the claimed functionality. Peter, in contrast, discloses a system which involves several discrete border elements. In other words, each of the Border Elements 26b, 26c and 26d in Peters Fig. 2 referred to by the Examiner is different and distinct border element.

Thus, for at least the foregoing reasons Peters does not anticipate Applicants' independent claim 1. Moreover, independent claims 16, 19, 25, 31 and 42 recite similar relevant limitations. Thus, for the same reasons as stated with respect to claim 1, these claims are also patentable over and not anticipated by Peters. In addition, dependent claims 2, 4-15, 17-18, 20-24, 26-30, 32-41 and 43-44 depend from independent claims 1, 16, 19, 25, 31 and 42, respectively, and recite additional limitations. As such, and for the exact same reasons set forth above, Applicants submit that claims 2, 4-15, 17-18, 20-24, 26-30, 32-41 and 43-44 are also patentable and not anticipated by Peters. Accordingly, Applicants respectfully request the rejection be withdrawn.

CONCLUSION

Thus, Applicants submit that all of these claims now fully satisfy the requirements of 35 U.S.C. § 102. Consequently, Applicants believe that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring the maintenance of the present final action in any of the claims now pending in the application, it is requested that the Examiner telephone Mr. Kin-Wah Tong, Esq. at (732) 842-8110 x130 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully Submitted,

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